

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 2, 1978  
9:00 A.M.

Council Chambers  
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmembers Cooke, Goodman,  
Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino

Absent: None

Pastor Marle G. Franke, First English Lutheran Church, delivered the  
Invocation.

PILOTS RECEIVE SPECIAL RECOGNITION

Mayor McClellan asked Air Force pilots Major Bentson and Lieutenant Barnes, who are stationed at Bergstrom Air Force Base, to join her at the dais. She commended them for action recently taken by them to crash land their jet, endangering their own lives, rather than risk landing where it would harm others. Mayor McClellan presented each pilot with a Distinguished Service Award from the City of Austin. Major Bentson spoke for both he and Lieutenant Barnes when he thanked her for the honor and said they were both "pleasantly embarrassed." He said that they had only done what any pilot would do under the same circumstances.

SIGHT CONSERVATION WEEK AND  
WHITE CANE DAYS

Mayor McClellan read a proclamation designating the week of March 5-11, 1978, as Sight Conservation Week and White Cane Days and asked all residents of Austin to recognize the concern expressed by Lions Clubs through deeds and dollars for those with impaired sight. Local Lion's Club members FREDDIE SEALS, GORDON HYATT and MARVIN NITE, accepted the proclamation with their thanks in behalf of all Austin Lion's Club members.

## NATIONAL NUTRITION WEEK

National Nutrition Week in Austin will be observed March 5-11, 1978, according to a proclamation read by Mayor McClellan. Recipients of the proclamation were MRS. VERA D. MARTIN and MR. JAMES T. MOORE.

## EXCHANGE STUDENT HONORED

MS. SYLVIA PEKAREK, an exchange student from Fairfield, Australia, was made an honorary Austin citizen by Mayor McClellan. Ms. Pekarek, who is sponsored by the Rotary Club, presented the Mayor with a plaque, a map of Australia printed on cloth, and a pin, plus a letter from the Mayor of Fairfield, who, it was pointed out, is also a woman. Rotary Club member Gordon Brown and his family are sponsoring Miss Pekarek. He told Council that she is attending Crockett High School and living in their home.

## BOARD AND COMMISSION APPOINTMENTS

Mayor McClellan announced that on March 16, 1978, appointments will be made to the following Boards and Commissions:

Community Development Commission  
Building Standards Commission  
Construction Advisory Committee  
Dental Health Advisory Committee  
Urban Transportation Commission.

On April 6, 1978, appointments will be made to:

Joint Airport Zoning Board - 1  
Board of Adjustment - 1 alternate  
EMS Quality Assurance Team - 9  
On-Going Goals Committee - 1 appointment Zone 8  
Historic Landmark Commission - 6  
Parks and Recreation Board - 7 (with two having special expertise in the field of navigation)  
Employees Retirement System, City of Austin - 3

The following appointments were made:

Parks and Recreation Board

Mayor Pro Tem Trevino moved that the Council appoint Robert F. Coffee and Arthur E. Shaw to draw for terms on the Parks and Recreation Board. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooks, Goodman, Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino  
Noes: None

Commission on the Status of Women

Councilmember Himmelblau moved that the Council appoint Norene Thieme to the Commission on the Status of Women, term to expire June 30, 1978. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Mayor Pro Tem Trevino, Mayor McClellan  
Noes: None

## MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes for Special Meetings of February 20, 21, and 22, 1978, and the Regular Meeting of February 23, 1978. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Mayor  
Pro Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## EASEMENTS AUTHORIZED

Councilmember Himmelblau moved that the Council adopt a resolution to authorize release of the following Easements:

Two (2) Wastewater Easements in Dry Creek West Subdivision, as recorded in Volume 4334, Pages 1008 and 1011 of Deed Records, Travis County, Texas. (Requested by Franklin C. Houston, P.E., Jeryl Hart & Associates representing Adon Sitra, owner of Dry Creek West Subdivision)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem,  
Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

Councilmember Himmelblau moved that the Council adopt a resolution to authorize release of the following Easement:

A five (5.00) foot Electric and Telephone Easement in Lot 5, Atkinson Acres, as recorded in Plat Book Volume 3230 Page 1875, locally known as 13309 Gene Allan Road. (Requested by C. T. Tess)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

Councilmember Himmelblau moved that the Council adopt a resolution to authorize release of the following Easement:

A Fifteen (15.00) foot Public Utility Easement centered on the common lot line between Lots 21 and 22, Block 5, Trailwood Village One, Travis County. (Requested by Jim Miller, Centex Homes)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

#### JOINT ELECTION

Councilmember Himmelblau moved that the Council adopt a resolution to authorize a joint election with the Austin Independent School District on April 1, 1978. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

#### CONTRACTS APPROVED

Councilmember Himmelblau moved that the Council adopt a resolution to authorize approval of the following contracts:

CLEARWATER CONSTRUCTORS, INC.  
16021 North I.H. 35  
Austin, Texas

- CAPITAL IMPROVEMENT PROGRAM,  
Pedestrian Bridges - Waller Creek  
Town Lake and Holly Peninsula at  
Town Lake - \$123,954.39  
C.I.P. No. 73/86-37

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

Councilmember Himmelblau moved that the Council adopt a resolution to authorize approval of the following contract:

DAIMARK, INCORPORATED  
4424 Brandt Road  
Austin, Texas

- CAPITAL IMPROVEMENT PROGRAM  
Thomas Kincheon Street - Construction  
of a 6-inch Water Line - \$17,372.50  
C.I.P. No. 75/40-04

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

## WATER APPROACH MAIN

Councilmember Himmelblau moved that the Council adopt a resolution to approve the following Water Approach Main:

NPC REALTY COMPANY,  
owner

- Construction of a 12-inch water approach main to serve Northwood III and IV subdivision. (Estimated cost to the City, \$16,430.00)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

## US 183/MOPAC INTERCHANGE PROPERTY ACQUISITION

Councilmember Himmelblau moved that the Council authorize acquisition of Parcel 3, A-1 Sandblasting and Waterproofing of Austin, Inc. for the U.S. 183/MoPac Interchange. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

## "VERY SPECIAL ARTS FESTIVAL"

Councilmember Himmelblau moved that the Council adopt a resolution to authorize acceptance of a grant from the National Committee on Arts for the Handicapped in the amount of \$3,960, for a "Very Special Arts Festival" to be held on September 9, 1978, (total cost to City: \$2,713 in in-kind services); and to designate that day in commemoration of Joanna Cornell. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

GOVERNOR'S GRANT  
FOR CONFERENCE

Councilmember Himmelblau moved that the Council adopt a resolution to accept a grant from the Governor's Office of Traffic Safety in the amount of \$695.00 for participation in Vehicular, Homicide/BWI Conference. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

MASSAGE BUSINESS ORDINANCE  
SET FOR PUBLIC HEARING

Councilmember Himmelblau moved that the Council set a public hearing for March 23, 1978, at 1:30 p.m. to amend Chapter 45 (Zoning Ordinance) of the Austin City Code regarding massage business. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

SIGNS ON MOPAC AND LOOP 360

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 3, SECTION 3-5 OF THE AUSTIN CITY CODE OF 1967 BY ADDING SUBSECTION (h) PROHIBITING THE ERECTION OF OFF-PREMISE SIGNS AND PROVIDING STANDARDS FOR ERECTION OF CERTAIN SIGNS WITHIN TWO HUNDRED FEET OF MOPAC BOULEVARD CURB LINE AND LOOP 360 CURB LINE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau  
Noes: None

The Mayor announced that the ordinance had been finally passed.

CHARTER AMENDMENT ELECTION

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPOINTING ELECTION OFFICIALS TO CONDUCT THE SPECIAL MUNICIPAL ELECTION TO BE HELD APRIL 1, 1978; PROVIDING COMPENSATION FOR THE ELECTION OFFICIALS; DESIGNATING THE UTILIZATION OF AN ELECTRONIC VOTING SYSTEM FOR SAID ELECTION; DESIGNATING A PRIME AND ALTERNATE CENTRAL COUNTING STATION FOR SAID ELECTION; ESTABLISHING A DATE FOR A PRECOUNT TEST OF THE AUTOMATIC TABULATING EQUIPMENT; PROVIDING NOTICE OF SAME; DIRECTING THAT AN INSTRUCTION SCHOOL FOR ELECTION OFFICERS SHALL BE CONDUCTED; PROVIDING NOTICE OF SAME; PROVIDING FOR SUCH OTHER ASPECTS AS ARE INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor Pro Tem Trevino,  
Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: A 1.18-ACRE TRACT OF LAND, FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND,

TRACT 2: A 1.22-ACRE TRACT OF LAND, FROM "B" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; LOCALLY KNOWN AS 1422 FAIRFIELD DRIVE AND 1507 PEYTON GIN ROAD; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (NPC Realty Company, C14-77-180)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor Pro Tem Trevino,  
Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT A: AN APPROXIMATE 13.82 ACRE TRACT OF LAND, MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, SAVE AND EXCEPT THE NORTH 145 FEET, THE EAST 195 FEET, AND THE SOUTH 145 FEET, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT B: THE NORTH, EAST, AND SOUTH 75 FEET OF AN APPROXIMATE 13.82 ACRE TRACT OF LAND, MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT C: THE SOUTH 70 FEET OF THE NORTH 145 FEET, THE WEST 120 FEET OF THE EAST 195 FEET, AND THE NORTH 70 FEET OF THE SOUTH 145 FEET OF AN APPROXIMATE 13.82 ACRE TRACT OF LAND, MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 10511-10621 NORTH LAMAR BOULEVARD; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Mockingbird Hill, Ltd., Et Al, C14-77-138)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor Pro Tem Trevino,  
Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### CHANGE ORDER TO BROWN & ROOT

The Council had before it a resolution to approve a Change Order to Brown & Root, Inc. Mr. R. L. Hancock, Electric Utility Director, said this is the fifth and final change order on construction for Decker Unit No. 2. He said there are some thirty odd additional equipment contracts that have not yet been closed out, and there may be some changes on those. The change order under consideration today is for \$789,563.00, bringing the total construction contract for the power block section to \$14.6-million dollars, which is a 5.69% change order. This brings the total changes on the project to 7.8% which is an acceptable level of change orders. He said these changes are an accumulation of some 252 changes that had to be made in the project as a result of engineering changes in the preparation of the design and the drawings, subsequent to the bidding of the project; plus changes that were identified in the field by the resident engineer, relating to conflicts in equipment problems on installation. Of these changes, he said approximately \$90,000 will be backcharged to the equipment suppliers and that will be deducted from what we are currently withholding from that. He said there was about a 4 months schedule over-run which was not the contractor's fault, but the City of Austin's fault, resulting in about a \$46,000 additional charge. A portion of that, however, is insurance coverage for a turbine generator unit which we are obligated to carry anyway. He said the problem was you cannot obtain permanent coverage until the unit is commercial and it was necessary to carry the unit under the contractor's/builder's risk during that period when it was undergoing tests involved in the four month delay.

Councilmember Himmelblau asked if the engineering and design for the plant is unique in that it could not be finalized when the plans were first drawn. Mr. Hancock said the plans could have been in a more final stage than it was had the City been able to start engineering earlier. "As you recall," he continued, "we ran into serious problems in 1972-73 that caused the City to sit back and take a second look at what they were doing at Decker. This caused a pause in some of the design work and the design was not as complete as they could have liked it to be for bidding purposes." He said it was necessary to make piping design changes subsequent to that, and there are always design changes that are required as a result of the unique features of the various pieces of equipment. Councilmember Himmelblau said she wondered if there were other plants similar to Decker Unit No. 2, where they could have taken the design and implemented it. Mr. Hancock said that each design is unique in a detailed basis depending on whose particular pumps and motors and facts relating to the architectural features involved in the plant are used. He said the conceptual aspects of it are very common and very routine. Mr. Hancock pointed out that this project is extremely attractive on an economic basis. The engineer's estimate of cost was \$63.9 million. The job will be completed at about \$55.1 million. He said this is about \$138 a kilowatt which is an extremely attractive price for a unit at this point in time.



Councilmember Cooke asked what the price of the project would be if bid today. MR. BILL TOLBERT, Project Engineer for Bovay Engineering, who handled this job said the increase would be about 8% if an estimate were prepared today. He pointed out that there would be a similar increase in equipment cost.

Mr. Hancock reminded Council that the Electric Utility had asked for time to review today's requested Change Order when the item had been on the agenda previously. He said they appointed a special task force and met with staff members and Mr. Tolbert and consulting engineers. Considerable time was spent going over the changes in detail and last Monday the Task Force passed a motion in support of the Change Order.

Councilmember Cooke moved that the Council adopt a resolution to approve a Change Order to Brown & Root, Inc., in the amount of \$789,563.00 for Decker Unit No. 2. CAPITAL IMPROVEMENTS PROGRAM. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Snell, Mayor Pro Tem Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

#### MONTANA COAL SEVERANCE TAX

Council had before it for consideration the City of Austin's participation in a legal contest on the validity of the Montana Coal Severance Tax. City Attorney Harris said that the severance tax has risen to 30% of the contract price of the coal. "As the price of coal goes up," he said, "because of various escalators, of course it means the impact of the severance tax will be that much greater also. ...Looking at the economic impact this tax is going to have over the 26 years as the price of coal goes up due to various price index indicators, it is estimated the tax is going to add somewhere around \$400 million to our fuel cost. Based on that we thought we needed to take a look at this because we had never heard of any severance taxes quite this high. We think that it is going to be a very important issue if anyone is going to draw the line on the amount of severance taxes the state can charge. If they can charge 30%, why not 100%? 200%? So somewhere either the legislature or the courts are going to have to draw some sort of line, and probably it will be on a case by case basis. As long as the monies raised from the tax are actually going to defer expenses forced upon the state because of the coal activity, I think the tax will be upheld, but we already have some indications that there is a serious question here, particularly in conjunction with the royalties the state of Montana already gets from the Federal Government to cover some of the cost necessitated from the coal activity, like restoration, reclamation, etc. It could possibly be then that this severance tax is not needed to cover those things and it will then be an unnecessary burden on the rest of the country who actually owns this Federal coal as a whole. Particularly, when we can join together with other parties who have this same idea in mind, and because this issue is going to have to be resolved some day, we believe this is an ideal time to take advantage of the chance to contest this tax and share the cost with some other people who are customers across the country."

Mayor Pro Tem Trevino moved that the Council adopt a resolution to authorize the City of Austin's participation in a legal contest on the validity of the Montana Coal Severance Tax. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Snell

Noes: None

#### PUBLIC HEARING SET TOWING AND WRECKER BUSINESSES

Councilmember Goodman moved that the Council set a public hearing on an Ordinance amending Article VI of Chapter 34 of the Code of the City of Austin, which regulates towing and wrecker business, on March 30, 1978 at 11:00 a.m. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Mayor Pro Tem Trevino

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

#### EMPLOYEE SUGGESTION AWARD PROGRAM

Director of Personnel, Mr. Jimmie Flakes, presented a plan for an Employee Suggestion Award Program which the Personnel Department has developed. It is suggested that the program begin on October 1, 1978, in order that it can be included in the fiscal budget, as well as give it time to be publicized. On April 1 of this year it is recommended that one person should be appointed to the Personnel staff in order to set up the program. The program coordinator will monitor the progress of the program and make a report to the City Manager. Mr. Flakes said the awards will be \$25 to \$500 based on 10% of the first year's savings to the City by implementing the suggestion. He said that the plan would be implemented on a \$50,000 budget with \$11,000 allowed for the administration this year and \$22,000 next year. Mr. Davidson, City Manager, told Council that since the idea of the plan was introduced, the City has reviewed similar types of programs all over the country. They have found that the key to the success of the plan is (1) lead time to give employees the ground rules, (2) enough money to make the plan worthwhile, (3) one individual to make the plan work. Mr. Davidson recommended approval of the program.

Councilmember Cooke wondered how Austin would relate to other cities with such a program regarding the 10% award. MS. QUENTELLA COLE, who as an employee of the Personnel Department, has done much work in researching the program, answered that many cities used the 10% figure. Mayor McClellan said she thinks it makes a lot of sense to reward employees monetarily. Councilmember Mullen wanted to know why a lid of 10% needs to be put on the program. He said it is an incentive to get people involved and thinks the maximum should be raised to \$1,000. In response to the Mayor's question regarding how much will be needed to budget the first year, Mr. Davidson said he would come back to Council with specific figures. Councilmember Mullen thought the administrative salary seemed high but Mr. Davidson told him that this program cannot be handled by someone on a part-time basis. In order to do it right, he continued, someone should have this as their primary function. Mr. Flakes told Council

that the senior personnel level is the lowest level they can recommend for the administrator of the program. Councilmember Mullen asked if Council can receive continuing reports on the progress of the program. Mr. Davidson said, "yes, this is essential."

#### Motion

Mayor Pro Tem Trevino made a motion, seconded by Mayor McClellan to approve the Employee Suggestion Award Program; City Attorney to bring back the proper ordinances.

#### Friendly Amendment - Not Accepted

Councilmember Mullen offered a friendly amendment to raise the maximum award to \$1,000; Council to receive continuing reports on progress. His friendly amendment was not accepted.

#### Roll Call on Motion

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Mayor Pro Tem Trevino, Mayor McClellan  
Noes: None

#### ZONING HEARINGS

Mayor McClellan announced Council would hear zoning cases scheduled for 10:00 a.m. Pursuant to published notice thereof, the following zoning cases were publicly heard:

WAYNE M. LAYMON  
By John Lewis  
C14-78-001

12902-12936 U.S. 183  
North

From "A" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Cooke moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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HARRY E. MONTANDON  
By John Joseph  
C14-78-006

6401 Hudson Street  
also bounded by Ed  
Bluestein Boulevard

From Interim "A" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Cooke moved that the Council grant "C" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan, Councilmembers Egoke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

FORREST N.  
TROUTMAN  
By Tom Curtis  
C14-78-007

13700-13712 U.S. 183  
10000-10002 Hidden  
Meadows Drive

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Cooke moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN  
By Property  
Management  
Department  
C14-78-008

1004-1010 Wheelless  
Street  
1005-1011 Lydia Street

From "C" Commercial  
1st Height and Area  
To "A" Residence  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Cooke moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN	1506 Parkway	From "B" Residence
By Property	1509 Parkway	1st Height and Area
Management	1516 Parkway	To "A" Residence
Department	1104 Enfield Road	1st Height and Area
C14-78-009	1106 Enfield Road	RECOMMENDED by the Planning
	1117 Enfield Road	Commission

Councilmember Cooke moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

ESTATE OF MRS.	815 West 11th Street	From "B" Residence
E. V. CATTERALL		1st Height and Area
By Joel Mitchell		To "O" Office
C14-78-002		1st Height and Area
		RECOMMENDED as amended by the
		Planning Commission

Councilmember Cooke moved that the Council grant "O" Office, 1st Height and Area District, as amended as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

AUSTIN CATERING  
SERVICE, INC. &  
WILL THURMAN, JR.  
C14-78-011

700-800 Block of  
William Cannon Drive  
6600-6616, 6700-6724  
I. H. 35

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
(Tracts 1 and 2) and  
"C" Commercial  
1st Height and Area (Tract 3)  
RECOMMENDED by the Planning  
Commission as amended

Councilmember Cooke moved that the Council grant "GR" General Retail, 1st Height and Area District on Tracts 1 and 2, and "C" Commercial, 1st Height and Area District on Tract 3, as amended, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District on Tracts 1 and 2, and "C" Commercial, 1st Height and Area District on Tract 3, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

WILLIAM B. COTTON  
By Bill Burba  
C14-75-100

3401 Ed Bluestein  
Boulevard

From Interim "A" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
RECOMMENDED as amended by the  
Planning Commission

Councilmember Cooke moved that the Council grant "C" Commercial, 1st Height and Area District, as recommended as amended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

CAPITAL CITY STEEL  
By Bob Burns  
C14-77-185

Rear of 5717 Circle  
S Road

From Interim "A" Residence  
1st Height and Area  
To "DL" Light Industrial  
1st Height and Area  
RECOMMENDED as amended by the  
Planning Commission

Councilmember Cooke moved that the Council grant "DL" Light Industrial, 1st Height and Area District, as amended as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman

Noes: None

The Mayor announced that the change had been granted to "DL" Light Industrial, 1st Height and Area District, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

DICKSON PROPERTIES  
By William Bray  
C14-78-010

2700 Montopolis Drive

From Interim "A" Residence  
1st Height and Area

To "D" Industrial  
1st Height and Area  
(Tract 1) and

"D" Industrial  
3rd Height and Area  
(Tract 2)

RECOMMENDED by the Planning  
Commission

(This application was heard after the public hearing on the change in the Master Plan, and Ordinance was passed as an emergency measure.)

ALEX L. CALDERON  
& ELEUTERIO  
LAREDO  
By Terry Sasser  
C14-78-003

4201 Marathon  
1004-1006 West 42nd  
Street

From "A" Residence  
1st Height and Area

To "O" Office  
1st Height and Area

RECOMMENDED by the Planning  
Commission subject to the  
dedication of five (5) feet of  
right-of-way on Marathon  
Boulevard and West 42nd Street

Councilmember Mullen moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers  
Goodman, Himmelblau, Mullen, Snell

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

PATRICIA HOWARD  
HARRIS  
By Michael L.  
Schoenfeld  
C14-77-181

7101-7125 Springdale  
7030-7124 Ed Bluestein  
Boulevard

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
~~RECOMMENDED~~ by the Planning  
Commission, subject to the  
agreement made by the applicant  
to consult with the neighbor-  
hood and the Austin Indepen-  
dent School District concerning  
driveway and curb entrances  
on the major arterial.

Mr. Lillie reviewed the application by use of slides. MS. JOAN BARTZ, 6713 Tulsa Cove, zoning chairman, University Hills Homeowners Association, appeared before Council to say they have no quarrel with the recommended zoning, but are concerned about the number of curb cuts to be allowed. She said that too many curb cuts would present a problem for Winn Elementary School located across from the site. She said they would also recommend a restrictive covenant use against adult book stores, porno, etc. Ms. Bartz read a letter from MS. ANN ROSE, Chairman, Safety Committee, Winn Elementary School P.T.A., asking Council to consider curb cuts in relation to safety for the school children, and asking that the number be limited to two. MR. MICHAEL SCHOENFELD, representing the development of the land, said that there is agreement between his client and the neighborhood and will accomodate their wishes for limited curb cuts and a restrictive covenant. He said it would be difficult to tie in a definite site plan with granting of the zoning since plans are often changed several times. Mr. Lillie informed him that a conceptual plan of buildings and parking should be acceptable.

#### Motion

Councilmember Goodman moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions, with approval of a site plan by the Planning Commission and a deed restriction against adult book stores, etc. The motion was seconded by Mayor McClellan.

#### Friendly Amendment

Councilmember Himmelblau offered a friendly amendment to limit curb cuts to two. Councilmember Goodman and Mayor McClellan accepted her friendly amendment.



small package of gas in a much larger package of gas that was under consideration among a number of gas companies. We were able to work out the arrangements and get this gas included in that package and it was necessary for them to have an indication from Austin, San Antonio and LCRA by Wednesday of last week. That indication was forthcoming from LCRA and from City Public Service and in view of the economic advantage in being able to release that gas, we went ahead and released that gas for permanent disposal through this other contract arrangement. We think that this will save about \$3,500 a day in fuel cost were we required to take the gas. The problem is that in the package, particularly in the Abilene area, in addition to the cost of service for the treaty, that gas has to be back hauled through a pipeline that runs from the Abilene area to the Fort Stockton area and then hauled from the Fort Stockton area to Austin. The transmission charges are quite high and will go up with time. So we feel that this is certainly to Austin's best interest. We regret having to move as rapidly as we did in it but we really had no other choice at the time and we are seeking Council consideration and approval of that action."

#### Motion

Mayor Pro Tem Trevino moved that the Council adopt a resolution to authorize the City Manager to terminate the Natural Gas Agreement between Austin, L.C.R.A., City Public Service Board of San Antonio and Delhi Corporation. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Mayor  
Pro Tem Trevino, Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

#### CHARTER AMENDMENTS ELECTION

Mayor McClellan brought up the following ordinance for its third reading:

AN ORDINANCE ~~CHANGING~~ ELECTION TO BE HELD IN THE CITY OF AUSTIN ON APRIL 1, 1978 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS, FOR ADOPTION OR REJECTION, THE FOLLOWING AMENDMENTS TO THE EXISTING CHARTER OF THE CITY OF AUSTIN:

1. AN AMENDMENT PROVIDING FOR THE ELECTION OF A NINE MEMBER CITY COUNCIL, EIGHT (8) COUNCILMEMBERS TO BE RESIDENTS OF AND ELECTED FROM DISTRICTS AND THE MAYOR TO BE ELECTED AT LARGE;
2. AN AMENDMENT PROVIDING THAT THE WORDS "COUNCILMAN" AND "COUNCILMEN" AS SAME APPEAR THROUGHOUT THE CHARTER BE CHANGED TO "COUNCILMEMBER" AND "COUNCILMEMBERS," RESPECTIVELY, AND THAT THE WORDS "HE," "HIS," "HIM" AND "HIMSELF" AS SAME APPEAR THROUGHOUT THE CHARTER BE REPLACED WITH THE WORDS "HE OR SHE," "HIS OR HER," "HIM OR HER" AND "HIMSELF OR HERSELF," RESPECTIVELY AND THAT THE WORD "CHAIRMAN" AS SAME APPEARS THROUGHOUT THE CHARTER BE CHANGED TO "CHAIRPERSON;"

3. AN AMENDMENT PROVIDING THAT A CANDIDATE FOR CITY COUNCIL PAY A FILING FEE OF ONE HUNDRED DOLLARS (\$100.00) OR IN LIEU THEREOF SUBMIT A PETITION SIGNED BY A MINIMUM OF TWO HUNDRED (200) REGISTERED VOTERS RESIDING IN THE CITY (AND RESIDING IN THE PARTICULAR DISTRICT IF THE CANDIDATE IS RUNNING FOR A DISTRICT SEAT) REQUESTING THAT THE NAME OF SUCH PERSON BE PLACED ON THE BALLOT;
4. AN AMENDMENT TO THE CITY CHARTER TO REPEAL THE EXISTING LANGUAGE WHICH PROHIBITS OFFICERS (BOARD AND COMMISSION MEMBERS AND COUNCILMEMBERS) OF THE CITY FROM PARTICIPATING IN THE ELECTION OF OTHER CANDIDATES TO CITY OFFICE;
- 5.. AN AMENDMENT TO THE CITY CHARTER TO PROVIDE THAT A COUNCILMEMBER MUST BE EIGHTEEN (18) YEARS OF AGE OR OLDER ON THE COMMENCEMENT OF HIS OR HER TERM; TO PROVIDE THAT A COUNCILMEMBER MUST HAVE RESIDED WITHIN THE CITY FOR AT LEAST SIX (6) MONTHS AND WITHIN THE STATE OF TEXAS FOR TWELVE (12) MONTHS AND TO DELETE THE REQUIREMENTS THAT A COUNCILMEMBER BE A TAXPAYER IN THE CITY AND THAT HE OR SHE NOT BE IN ARREARS IN THE PAYMENT OF ANY TAXES OR OTHER LIABILITY DUE THE CITY;

PROVIDING FOR POLLING PLACES; PROVIDING FOR THE FORM OF THE BALLOT; PROVIDING FOR HOURS OF ABSENTEE VOTING; PROVIDING FOR A SPECIAL CANVASSING BOARD; PROVIDING FOR THE USE OF AN ELECTRONIC VOTING SYSTEM; PROVIDING FOR PROPER NOTICE; AND ENACTING PROVISIONS INCIDENT TO AND RELATED TO THE PURPOSE OF THIS ORDINANCE.

The ordinance was read the third time, and Councilmember Snell moved that it be finally passed. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Snell, Mayor Pro Tem Trevino

Noes: Councilmember Mullen, Mayor McClellan, Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

At the time of roll call, the following statements were made:

Councilmember Himmelblau: "I would like to delineate my position on the issue of single member districts. I personally do not support the concept of single member districts for Austin. I feel very strongly that I can be more effective as an at-large member responsible to the entire City of Austin. However, because this issue is so important, I do not feel that I can be solely dictated by my own personal preferences. In 1975, the City Council appointed a Charter Review Committee composed of citizens representing every segment of the community and all political views. This committee worked diligently taking many hours of testimony from citizens, meeting in every portion of Austin so that divergent public opinions could be expressed. As a result of the citizen testimony, both the Majority and Minority Reports of the Charter Review Committee endorsed the concept of single-member districts. Because this testimony was elicited, and because such citizen response cannot be and should not be ignored by this City Council, I am willing to let the residents of Austin say either yes or no to the concept of single-member districts."

Councilmember Mullen: "I too favor putting this on the ballot. I don't like the 8-1, I prefer 6-1 because we are going to increase costs if we go to an 8-1 basis. So you have more than one issue...you have several issues involved here."

Councilmember Snell: "I'd just like to say I certainly appreciate the stand that Betty has taken. It is certainly needed, Betty, and we appreciate it. We know that it is very difficult for a person to take a stand like that when there is so much involved and I am certainly glad to see you willing to give the public a chance to decide whether we should have 8-1 single-member districts."

Mayor Pro Tem Trevino: "I also think it was very courageous of Mrs. Himmelblau to take this position. It would be politically expedient to vote otherwise. But she put herself above politics in giving people the opportunity to decide. I also have been elected at large twice, but I feel that it is not what I can do but what other people, given the opportunity could also do on this Council. And I am a firm believer in district elections. I feel that one can be as good coming from districts as one is running in an at-large system."

Mayor McClellan: "I am very committed to us having a Charter election and very committed to having us put a proposition on that ballot for single-member districts. However, I have favored a combination plan, number one, and a second choice a 6-1 plan. There was very little support for a combination plan other than the League of Women Voters and a few lone individuals. I still think that a single-member district plan perhaps might have more chance with a 6-1 proposal. Again, I've been committed to having this election committed to letting the people decide but I do not favor the 8-1 plan. I vote No, but I support the other propositions and want the Minutes to reflect that."

#### CARDIO-PULMONARY RESUSCITATION PROGRAM

Councilmembers Himmelblau and Cooke introduced to Council the idea of the establishment of a CPR Program for the City of Austin and the scheduling of CPR training for City Council members. Councilmember Himmelblau said she and Mr. Cooke had put this item on the agenda just to give the program a nudge. "I feel this is an important program for the entire City but would like to ask the staff to set up a CPR program for City employees and for Councilmembers who would like to avail themselves of this program and come back maybe in two weeks with a program like this outlined working with the American Heart Association."

Councilmember Cooke said, "I also am familiar with what other cities have done in this effort and feel that we've got a positive effort going with regard to heart disease, heart strokes and heart attacks. And that's a result of a pretty extensive commitment that has been made by our City in regard to having an emergency medical service. I think we can offer some additional effort in this area and I too would like to see us pursue a CPR program here in the City, and for the City staff."

Councilmember Himmelblau moved that the Council set up a CPR program for City employees and for Councilmembers who would like to avail themselves of this program and come back in two weeks with a program outlined by the City Manager, working with the American Heart Association. The motion, seconded by Councilmember Cooke, carried by the following vote:

Roll Call on Motion with Friendly Amendment

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino  
 Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, subject to conditions, and with approval of a site plan by the Planning Commission and a deed restriction against adult book stores, etc., and limit of curb cuts to two on Springdale Road, and the City Attorney was instructed to draw the necessary ordinance to cover.

NORTHCROSS ASSO-  
 CIATES, LTD.  
 By William Bray  
 C14-78-012

7688-7698 Northcross  
 Drive  
 7700-7762 Northcross  
 Drive

From Interim "A" Residence  
 1st Height and Area  
 To "B" Residence and  
 "A" Residence  
 1st Height and Area  
 NOT Recommended by the Planning  
 Commission. RECOMMENDED "A"  
 Residence, 1st Height and Area, on a  
 55-foot strip along the eastern boundary  
 and "B" Residence, 1st Height and Area  
 on the remainder, subject to development  
 of a ten-foot wide berm with trees and  
 shrubs where adjacent to "A" Residence.

Mr. Lillie reviewed the application by use of slides. Councilmember Goodman questioned how it would be possible to know that the berm with trees and shrubs would be properly maintained. MR. MALCOLM ROBINSON, attorney, said that a similar type of requirement is called for for all of Northcross Mall and this will be a continuation of what they have now. MR. BILL DIDERSTEEN, developer of the proposed apartments, told Council he has met with the Allendale Homeowners Association and presented to them the plan approved by the Planning Commission, as well as two alternate plans. He said the association voted on the plan they liked the best and that the berm will be well cared for.

Councilmember Goodman moved that the Council grant the alternate of "A" Residence, 1st Height and Area District, on a 55-foot strip along the eastern boundary and "B" Residence, 1st Height and Area District on the remainder, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
 Mayor Pro Tem Trevino, Mayor McClellan  
 Noes: None

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, on a 55-foot strip along the eastern boundary and "B" Residence, 1st Height and Area District on the remainder, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

RUTHERFORD HOME  
Mr. and Mrs.  
Edmund Key,  
owners  
C14h-78-001

2102 Nueces Street

From "B" Residence  
2nd Height and Area  
To "B-H" Residence-Historic  
2nd Height and Area  
RECOMMENDED by Planning Commission

Councilmember Goodman moved that the Council grant "B-H" Residence-Historic, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Snell, Mayor Pro Tem Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Himmelblau, Mullen  
Noes: None

The Mayor announced that the change had been granted to "B-H" Residence-Historic, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

#### ZONING WITHDRAWN

ADOLPH A. ~~WHEEL~~ JR.,  
By Tom Curtis  
C14-78-004

1401-B West 29th Street  
corner of Oakhurst and  
West 29th Street

From "A" Residence  
1st Height and Area  
To "B" Residence  
1st Height and Area  
NOT Recommended by the  
Planning Commission

Councilmember Himmelblau moved that the zoning case be WITHDRAWN. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell,  
Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

The Mayor announced that the zoning case had been WITHDRAWN.

#### ZONING DENIED

W. T. CASWELL  
ESTATE  
By W.L. Allison  
C14-75-113

410 Chicon Street, also  
bounded by East 4th  
Street

From "B" Residence  
2nd Height and Area  
To "D" Industrial  
2nd Height and Area  
NOT Recommended by the  
Planning Commission

Mr. Lillie reviewed the application by use of slides. After giving the formal description he said the Planning Commission did not recommend the change because of the proximity of the housing development on the south and the Pan-Am Center. He said the staff had recommended to the Commission that "DL" Light

Industrial zoning be granted on the site with the exception of leaving 5 feet along the south property line ~~for~~ <sup>for</sup> residence. By leaving that strip along the south property line along 4th Street, it would prohibit driveways onto East 4th Street. Driveways, he said, would be encouraged on Chicon away from the Housing Authority tract as opposed to the street adjoining the Housing Authority tract. The other part of the staff recommendation was that the right-of-way on Chicon and East 4th Street should be dedicated, with five feet on Chicon and 10 feet on 4th Street.

Mayor Pro Tem Trevino asked, "Not related to this case, the area that's to the southeast where Pan-Am is right now, is that "D" Industrial, still?" Mr. Lillie said, "The Pan-Am Center sits on "D" Industrial zoning. Part of the park on the west end is "C". Councilmember Cooke asked why, and Mr. Lillie replied that it has been that way for 30 or 40 years. Councilmember Trevino asked if it could be rolled back. Mr. Lillie said it could be. Mayor McClellan asked about the procedure and Mr. Lillie answered that if Council authorizes the Planning Department to proceed, the staff will take care of the applications and take it to the Planning Commission with notices and a public hearing.

#### Motion

Mayor Pro Tem Trevino moved that the Council initiate a zoning roll back from "D" Industrial on property where the Pan-Am Center sits and the part of the park on the west end that is now "C." The motion was seconded by Councilmember ~~Cookman~~.

Councilmember Himmelblau asked if this property will be rolled back to "B." Mr. Lillie answered that they would look at it and thought it might be appropriate, but they will consider "A" Residence also. He said they will look at the land use around it and if there are a lot of residential uses, they may take it back to "A."

#### Roll Call on Motion

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

Councilmember Cooke stated that if the staff sees other areas such as Pan-Am that is currently "D" which needs consideration, they should bring it to Council's attention not as a part of this application, but for further consideration.

WILLIAM CASWELL WARD, representing Mrs. W. T. Caswell, who is elderly and infirm, appeared before Council. His uncle, now deceased, was the representative in the original presentation in 1975. He said the Industrial Laminates Corporation has been a tenant on the property since 1964 which causes neither noise nor air pollution. The residents of the housing area across the street have never had a problem with this industry. In 1975 the administrator of the estate wanted to sell the property in order to provide money for the care of Mrs. Caswell and in order to do so wanted the property re-zoned. The people in the area were concerned because they did not know who would occupy the land under re-zoning. Mr. Ward said he has just consummated a lease with Industrial Laminates for five years, with an option to buy. Since they will be a permanent

tenant, he does not think there would be any problem in re-zoning the property. In order to obtain as high an equitable market value for rental or sale of the property as possible for the benefit of Mrs. Caswell in her declining years, he is seeking the change in zoning. The part of the property zoned "B" Residence is already being used as "D" Industrial or "DL" Light Industrial, but in monetary terms the tenant is not paying for it. He said that there is heavy industrial use to the east of the property and "D" Industrial and "C" Commercial is to the west and north behind it. He feels it is in keeping to re-zone because of the property around it, and the current use of the property. Mayor McClellan asked if the staff recommendation for zoning would be a problem. He said, no. MR. BROOKING, Executive Director of the Austin Housing Authority, said the apartments across the street from the site are occupied by the elderly and approval of the zoning request would be a step backward in the event Industrial Laminates vacated their business on the site.

DAVID HERNANDEZ appeared before Council and asked that a traffic light be installed on 3rd Street and 4th Street and Comal to alleviate some of the traffic problem created for residents. Mayor McClellan asked Mr. Ternus, Director of Urban Transportation, to look into this and give Council a full report. Councilmember Cooke asked if trucks driving through that area can be limited to using 6th and 7th streets only. He asked staff to look into the possibility.

#### Motion

Mayor Pro Tem Trevino moved that the Council uphold the recommendation of the Planning Commission, and DENY the zoning request. Councilmember Cooke seconded the motion.

Mayor Pro Tem Trevino stated: "Although this Council is not insensitive to the situation of Mrs. Caswell, we have to deal with zoning." Councilmember Cooke said he felt Mr. Ward presented a good case, and is disturbed about what happened at the Planning Commission. (Decision was made at 2:00 a.m.) He said they have talked about correcting late hours even though they all incur and endure them. He said the strip of City under discussion is connected to the rail system, but wants to see the current Council discourage further such usage and proceed on a roll-back concept to reduce industrial from this part of our City and place it in other parts of the City on the outskirts.

#### Roll Call on Motion

Roll call on the motion to deny showed the following:

Ayes: Councilmembers Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau

Noes: None

The Mayor announced that the zoning had been DENIED.

## PUBLIC HEARING - AMENDMENT TO AUSTIN DEVELOPMENT PLAN

The Mayor opened the public hearing scheduled for 10:00 a.m. to consider a proposed amendment to the Austin Development Plan by changing the designation of the effected property, an area of approximately 100 acres requested by Mr. Terry Bray for the Dickson Properties, Inc., and Data General from Low Density Residential to Planned Development for Industry. Mr. Dick Lillie, Planning Department Director, told Council that during the past 60 days the various departments of the City and the City Manager's office, along with the Chamber of Commerce and others have been working with Data General Corporation to locate a site and analyze it and bring the Data General Corporation business into the community, facilitating as much as possible the zoning, Master Plan and subdivision work that has to be done in order for that business to start work. This location of the proposed industry is on Montopolis Drive between East Ben White Boulevard and Riverside. Mr. Lillie then gave the legal description of the land and said that during the planning process of the program, in working with Data General, it has been requested that they submit for Council consideration an amendment to the Master Plan under the Planned Development Area, which includes submission of a site plan for the industry and also a contract which outlines certain performance standards that they will meet in the conducting of their business. Mr. Lillie stated that all this work has been accomplished, it has been through the Planning Commission. Planning Commission has recommended not only the amendment to the Master Plan but also the zoning requested... "B" Industrial, 1st Height and Area for the edge of the tract that is within 200 feet of the edge of the property, and "D" Industrial, 3rd Height and Area District on the interior of the property that would permit them to go to several stories on some of their office structures. The intent of bringing the industry through on a Planned Development concept is that for as much as we can, assure that this industrial use can go into this area and not have a negative impact on the neighboring property. Mr. Lillie pointed out that this approach has been already used for other industrial developments and has worked out very well. He said the Planning Commission recommends both the zoning and the change in the Master Plan to permit this industry to locate in the area. Mr. Lillie commented the City has had a very good relationship with the company in processing the applications and feels that the time schedule outlined in December has reached a point where all City reviews will be completed in 60 days of initiation. Mr. Lillie told Council that Mr. Terry Bray, representing the Dickson Properties, Inc., was in the audience to answer questions they might have. No one appeared to speak to this issue and there were no questions from Council.

Motion

Councilmember Goodman moved that the Council close the public hearing and amend the Master Plan from Low Density Residential to Planned Development for Industry, on an emergency basis. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau  
Noes: None

At the time of roll call, Councilmember Goodman said he thinks Data General will be a welcome addition to Southeast Austin. Councilmember Cooke commended the staff for their work and said that Data General will be an asset to the City.



## ZONING HEARING

DICKSON PROPERTIES  
By William Bray  
C14-78-010

2700 Montopolis Drive

From Interim "A" Residence  
1st Height and Area  
To "D" Industrial  
1st Height and Area  
(Tract 1) and  
"D" Industrial  
3rd Height and Area  
(Tract 2)

RECOMMENDED by the Planning  
Commission

Councilmember Himmelblau moved that the Council grant "D" Industrial, 1st Height and Area District (Tract 1) and "D" Industrial, 3rd Height and Area District (Tract 2) as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Mayor Pro Tem Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Himmelblau, Mullen  
Noes: None

The Mayor announced that the change had been granted to "D" Industrial, 1st Height and Area District (Tract 1) and "D" Industrial, 3rd Height and Area District (Tract 2), and the City Attorney was instructed to draw the necessary ordinance to cover. (Ordinance ~~waived~~ as emergency measure as follows)

## ZONING ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 100.00-ACRE TRACT OF LAND, LOCALLY KNOWN AS 2700 MONTOPOLIS ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT AND "D" INDUSTRIAL, THIRD HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY. (Dickson Properties, C14-78-010)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance as an emergency measure. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Mayor Pro Tem Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Himmelblau, Mullen  
Noes: None

The Mayor announced that the ordinance had been finally passed.

**PUBLIC HEARING - CHURCH ACCESSORY SIGNS**

Mayor McClellan opened the public hearing scheduled for 11:00 a.m. to consider an amendment to Chapter 45 of the Austin City Code regarding Church Accessory Signs. Mr. Lonnie Davis, Building Inspection Director, summarized the amendment which will allow signs to be graduated in size based on the width of the street. There will be no flashing or intermittent light signs. No one appeared to be heard at the public hearing.

Mayor McClellan introduced the following ordinance:

**AN ORDINANCE AMENDING SECTION 45-31(c) AND SECTION 45-31(h) OF THE AUSTIN CITY CODE OF 1967; PROVIDING LIGHTING AND SIZE LIMITATIONS FOR CHURCH ACCESSORY SIGNS; AND PROVIDING FOR THE GRANTING OF VARIANCES RELATING TO CHURCH ACCESSORY SIGNS BY THE BOARD OF ADJUSTMENT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pro Tem Trevino moved that the Council ~~also~~ the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke,  
Goodman, Himmelblau, Mullen, Snell  
Noes: None

The Mayor announced that the ordinance had been finally passed.

**PUBLIC HEARING - ZONING ORDINANCE  
NATIONAL REGISTERED DISTRICTS**

A public hearing to amend Section 45-51.1 of the Zoning Ordinance to prohibit the issuance of building permits affecting the exterior of any structure located within the four (4) National Registered Districts, and prohibit issuance of demolition or removal permits on such structures without the approval of the Landmark Commission, was postponed. Mr. Lillie, Director of Planning, said that notices were not sent to the 700-plus residents in the National Register Districts and requested the issue be sent back to the Planning Commission.

Mayor Pro Tem Trevino moved that the Council refer the issue back to the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,  
Mullen, Snell, Mayor Pro Tem Trevino  
Noes: None

## MUD UNLIMITED TAX AND REVENUE BONDS

The Council had before it for approval the interest rates, terms and other conditions on the sale by Lost Creek Municipal Utility District of \$1,865,000 Waterworks and Sewer System Combination Unlimited Tax and Revenue Bonds, Series 1978. Mr. Bert Hooper addressed Council saying that the Lost Creek Municipal Utility District had met that morning to receive bids as follows:

E. F. Hutton & Company	6.456479%
First Southwest Company and Associates	6.50233%
Underwood, Neuhaus Company, Inc. and Associates	6.888338%

Mr. Hooper requested the City Council's final approval of the bond sale. They had already received preliminary approval. He said that he has the official bid form which he wanted to execute in order to complete the sale. Mr. Norman Barker, Director of Finance, in response to the Mayor's query as to whether everything is in order, stated that the bids are very good. In his opinion, the prospective bidders know the property and the bids are in accordance. He said the bonds will not be sold at a discount and are callable in 10 years, which is in conformance with the contract.

Mayor Pro Tem Trevino moved that the Council adopt a resolution to approve the interest rates, terms and other conditions on the sale by Lost Creek Municipal Utility District of \$1,865,000 Waterworks and Sewer System Combination Unlimited Tax and Revenue Bonds, Series 1978, E. F. Hutton & Co., 6.456479%. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan  
Noes: None

## RECESS

Council recessed its meeting at 11:55 a.m. and resumed at 2:00 p.m.

## COMMUNITY EDUCATION PROGRAM AND BUS SHELTERS

MR. ART BROWN, representing the Northeast Austin Community, appeared before Council to request consideration of expanding the community education program and installation of bus shelters for northeast Austin. Mr. Brown indicated that they wanted bus shelters primarily for students and elderly persons. He stated that he had the support of the Austin Neighborhood Council, the Travis County Democratic Women and the American Association of Retired Persons. Mr. Brown indicated that the Austin Independent School District was willing to cooperate with the City of Austin in the building of the bus shelters.

Mr. Brown told the Council that he was President of the Ad Hoc Committee for the Northeast Austin Community School. He stated that they have been patiently awaiting Council action on locating a community school in the northeast.

Mr. Brown stated that they were requesting funds for the community school for the coming fiscal year.

Mayor McClellan told Mr. Brown that during Council consideration of the budget, not one penny was cut from the community school fund. She stated that requests for funding of the northeast Austin community school started coming in after budget allocations had already been made. The Mayor pointed out that it would not be feasible to expand the community schools budget in the middle of the budget year. Councilmember Goodman objected to Mr. Brown's characterization that the Council was insensitive to the education needs of northeast Austin. He stated that he was very supportive of the idea of a community school in northeast Austin.

Mr. Brown told the Council that they wanted to make sure that the Council was aware of the situation prior to the budget hearings later in the year. He felt that at this time, the Council would have too many other pressing items to deal with to give full attention to the question of community schools. Councilmember Goodman assured Mr. Brown that he was already aware of the situation in northeast Austin. Mayor McClellan also assured Mr. Brown that the Council also shared the concerns of residents living in northeast Austin. Councilmember Goodman told Mr. Brown that the Council would look into the status of the program and pass that information on to him.

In regard to bus shelters, Mr. Joe Ternus, Director of the Urban Transportation Department, told the Council that they would be willing to visit with the Transportation Department of A.I.S.D. to determine if they have identified any additional shelters that would fall under the policy adopted by both bodies three years ago. Mayor McClellan asked Mr. Ternus to bring this information back before the Council and to also share it with Mr. Brown.

#### STUDY COMMITTEE

MS. SUSAN BERRY appeared before Council requesting that the Council create a Study Committee to present concepts to the Planning Commission on zoning changes located on Outlots 72 and 73, west of I.H. 35, north of Colorado River, Rainey-Red River. Ms. Berry showed maps and slides of the area she wanted preserved.

#### PARADE PERMIT

Mayor Pro Tem Trevino moved that the Council approve a request for a parade permit from MR. JOHN A. LABINSKI for Interfraternity Council-University of Texas at Austin from 10:00 a.m. to 2:00 p.m., Saturday, April 8, 1978, beginning on Congress Avenue from 1st Street to the Capitol. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## PARADE PERMIT

Mayor Pro Tem Trevino moved that the Council delay for one week (until March 9, 1978), a request for a parade permit from MR. RAY DALTON POOL, JR., for Austin Runners Club, Austin YMCA, Parks and Recreation Department, and the University of Texas from 7:30 a.m. to 1:00 p.m., Saturday, April 8, 1978, beginning from Barton Springs Road, one lane traveling west, from Robert E. Lee Road to Park Road serving soccer fields (distance of 700 feet) and Stratford Drive, east under MoPac overpass to Park Road exit. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

## CASWELL TENNIS COURT IMPROVEMENTS

Council had before it for approval the awarding of Tennis Court Improvements, Caswell Tennis Center, to Akin & Byram, Inc. in the amount of \$107,234.20 under Capital Improvement Program No. 78/86-03. Mr. Davidson asked that there be a one week delay in the awarding of the contract because of problems which had arisen. Mr. David Segrest, Acting Director of Parks and Recreation, told Council that the resurfacing of the nine courts at Caswell would take 140 working days, but it is planned to have three courts in operation at all times. Councilmember Himmelblau asked what had happened..she thought this was going to be done during the off-season. Mayor McClellan said the courts are in horrible shape and wondered if it wouldn't be more logical to finish the lighting required at Austin High Courts and then they could be used while Caswell is re-done. Mr. Davidson said that the court lighting cannot be accomplished quickly either and described the method used to erect the lighting. Mayor McClellan commented on the poor timing involved in the tennis court improvements. Councilmember Himmelblau called for a list of the 1975 to current Parks and Recreation Department Capital Improvement Program priorities.

Motion

Councilmember Cooke ~~moved that~~ the Council approve the contract. The motion was seconded by Councilmember Goodman.

MR. BO BYERS, President of the Capital Area Tennis Association, read a letter in which he opposes the award at this time of any contract calling for work to begin immediately on the resurfacing of courts at Caswell Tennis Center and installation of improved lighting system. He felt ~~that~~ to do this at this time would be a disservice to the tennis community since completion would not be until October. He also said the pro at Caswell, John Fulton, would lose two of his main sources of revenue, private and group lessons, for several months. Revenue from sales and service in the proshop would decline automatically while his fixed expenses would continue. He concluded the letter by urging delay of the project until after Labor Day Open, scheduled at Caswell. Councilmember Goodman said he thought action on the contract should be delayed one week because he thinks there are options that have not yet been explored. The Mayor agreed with him.

Motion Withdrawn

Councilmember Cooke withdrew his motion, and Councilmember Goodman withdrew his second.

Motion

Councilmember Goodman moved that the Council delay decision for one week on the resurfacing of Caswell Tennis Courts; City Manager to bring back a report on options on March 9, 1978. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

**UNEMPLOYMENT COMPENSATION PROGRAM REPORT**

Mr. Daron Butler, Director of the Research and Budget Department, told the Council that City employees were eligible for unemployment compensation as of January 1. He stated that the benefit is being extended to the employees by the Federal government. Mr. Butler outlined the following options for financing the program:

1. That the City become a contributing employer in which case the City would pay \$388,000 to the State of Texas without realizing any kind of return.
2. That the City become a reimbursing employer whereby the City pays back to the State money which is paid to City employees who qualify for unemployment compensation.

Of the two, Mr. Butler indicated that the staff was recommending option number 2. He also recommended that for the following year, the City set aside \$388,000 to cover its obligations under the program. Mr. Butler pointed out that the Council will have to appropriate \$285,000 in the next fiscal year to fully finance the unemployment compensation fund. The \$285,000, money already appropriated to the program, and accrued interest will equal the \$388,000. Mr. Butler indicated that the City Attorney has recommended that in October of this year when the City makes its first payment to the State of Texas as a reimbursing employer, that the City pay under protest which protects the City's legal rights as it challenges the constitutionality of the statute that imposes this obligation upon the City. He indicated that there are two options in the administration of the program. They are as follows:

1. The City can become a self-administered City government whereby the City does its own staffing and carries the full burden of the program.
2. For the City to partially staff and then contract for professional services in this area.

Mr. Butler indicated that the staff recommended contracting for assistance in the administration of the program.

Mr. Jimmie Flakes, Director of the Personnel Department, told the Council that it was his recommendation to use professional services for the administration of the program because unemployment compensation involved a complex body of law. He recommended the utilization of either the Gates & McDonald firm or the Harrington firm. Mr. Flakes indicated that eventually the City could develop in-house capability to administer its own unemployment compensation program and that the firm would not be needed within the next two years.

City Manager Davidson asked that the Council provide informal approval to the approach of opting to become a reimbursing employer, to finance through the self-insurance proposal outlined in the recommendation and then consider contracting for at least two years for the administration of the program. He stated that with each case, they would return to the Council for specific action on a future agenda. Mr. Davidson indicated that they wanted a resolution to approve the basic format without committing the Council to any of the specifics of the proposal.

Councilmember Mullen moved that the Council approve the Unemployment Compensation Program as recommended by staff. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Snell  
Noes: None

#### FIRE CADET TRAINING

Fire Chief Ed Kirkham told the Council that on November 7, 1977, fire cadet class No. 76 began training. He stated that this was the first class to be employed under the conditions of the consent decree signed by Judge Roberts in August of last year. Chief Kirkham gave the ethnic breakdown of the class as follows:

20 white males  
13 black males  
13 Mexican-American males  
2 females

He stated that after seventeen weeks of the training program, there have been 19 individual personnel actions and five resignations. These included 4 Mexican-American males and one white male. Chief Kirkham indicated that 14 persons had been terminated for failure to reach and maintain the minimum standards laid down by the Fire Department. These included 10 black males, 2 Mexican-American males and 2 white males. He stated that, currently, 29 cadets were still in the class looking forward to a March 23, 1978, graduation. These include 17 white males, 7 Mexican-American males, 3 black males and 2 females.

Chief Kirkham indicated that the department has been concerned about the high percentage of failures and has contacted the Justice Department through the City Legal Department, requesting an amendment to the decree. He stated

that the amendment would serve to greatly reduce the percentage of failures and that the Justice Department has orally agreed to the amendment. Chief Kirkham indicated that they have also been in contact with the Department of Labor in connection with the Minority Recruitment Program which is sponsored by the International Association of Firefighters. He stated that this program is designed to provide assistance in recruiting and qualifying minority applicants. Chief Kirkham stated that they hope to return to the Council within two weeks for the purpose of requesting approval of an agreement with these agencies.

City Manager Davidson indicated that they would be keeping the Council informed on the status of the program. He pointed out that the report presented today had been requested by Councilmember Snell.

#### OFFICE OF ECONOMIC DEVELOPMENT

Mr. Dan Davidson, City Manager, read the following to Council:

"I have been working since February 9 to formulate a proposed Economic Development approach that would satisfy the various resolutions adopted by City Council on this subject. It is my hope that the format described in the attached report will enable the City of Austin to undertake an enthusiastic effort to upgrade and develop Downtown Austin.

"As discussions continue throughout the City on this subject and as I visit with City officials from other places, several key factors continue to emerge:

1. To be successful, the City's efforts must be enthusiastic, sustained over a long period of time, and represent the unanimous support of the City Council.
2. Municipal efforts alone will fail. The public-private partnership spoken about by Mayor McClellan and Councilman Cooke is essential.
3. The planning and implementation process must be achieved in a way that will benefit all of Austin's citizens and every segment of the entire community.

"My staff and I look forward to the opportunity of undertaking this program under the policy guidance and direction of City Council. I honestly believe that 1978 is a most appropriate time to begin such an extensive undertaking. I look forward to any criticism or additional suggestions that you may have concerning our recommended approach."

Mayor Pro Tem Trevino said that he and Councilmember Snell wonder what the Economic Development program will do for east Austin. Mr. Davidson answered: "That's the beauty of the entire approach, Councilman, and that's why I've indicated on the first page that its got to have benefits for every segment of the community and for all of Austin's people. On Page 2 of my report we describe a program of action." He reviewed the following:



PROPOSED PROGRAM OF ACTION

- I. City Council should acknowledge that it will constitute the policy or governing body for Austin's economic development program and that it will adopt plans, appropriate resources and allocate municipal funds to carry out approved programs and objectives. Policy recommendations normally provided by citizen boards would be sought by City Council from existing boards and commissions. No additional citizen boards would be appointed.
- II. The City Council should consider the proposed economic development organization as recommended by the City Manager and direct that appropriate ordinances or resolutions be drafted which will accommodate official approval.
- III. City Council should specifically direct the Planning Commission to complete and recommend a schematic plan for development of downtown Austin; delineating its boundaries; proposing general land use and dividing the plan into project increments for subsequent design into detailed development strategies.
- IV. The City Manager shall immediately establish an Austin Economic Development Office, under direction of a competent administrator reporting directly to the City Manager. The office will be responsible for coordination of all economic development programs approved by City Council; coordination of municipal activities or projects within Austin's central business district; provide municipal assistance to potential investors, developers or business proprietors who may be designing proposals or investment decisions effecting Austin; cooperate and support economic development activities of private enterprise organizations to stimulate the use of private capital for the benefit of downtown Austin.
- V. The City Council will consider contracting with a firm with expertise to undertake a "market analysis" of Austin's central core. The analysis will be utilized to document the feasibility of required investment decisions.
- VI. Upon completion of the schematic plan, project increments will be identified. Private enterprise will be encouraged to undertake detailed design responsibilities for each increment and for consideration of capital investment decisions. The municipal economic development office will work to generate interest in such incremental plans - and to provide City of Austin support for such private investment undertakings.
- VII. All municipal boards and commissions will be requested to review existing codes, ordinances and all proposed municipal projects to insure that City regulations, and capital improvements will complement or encourage development proposals (without sacrificing safety) and to insure compliance with the approved central core plan.

- VIII. All municipal departments and agencies will examine existing or proposed programs and projects to insure that all are capable of supporting and enhancing development decisions which comply with the City Council approved plan and objectives for downtown Austin.

Departments identified as part of the economic development team process will follow each phase of this program on a systematic basis. Key departmental staff will be assigned specific responsibility for maintaining established deadlines and for expediting assistance required by property owners, developers or other governmental agencies.

An "administrative team" will be formed to become intimately familiar with every aspect of the development program and to respond on an immediate basis to demands for recommendations or action.

#### AUSTIN ECONOMIC DEVELOPMENT PROGRAM (Propose Organization)

<u>Governing body; Policy Determination</u>	- Austin City Council
<u>Cooperating Boards/Commissions</u>	- Advisory
Planning Commission	Economic Development Task Force
Board of Adjustment	Building Board of Appeals
Urban Transportation Commission	Board of Equalization
Community Development Commission	Parks and Recreation Board
Urban Renewal Board	Housing Authority Board
<u>Private Enterprise Support and Participation</u>	- To be determined
<u>Program Administration</u>	- City Manager
<u>Staff Direction</u>	- Assistant City Manager (Economic Development)
<u>Economic Development Departmental Team</u>	
Legal	Planning
Research and Budget	Building Inspection
Health	Tax
Public Information	Property Management
Construction Management	Engineering
Public Works	Urban Transportation
Parks & Recreation	Human Services
Electric	Water and Wastewater

PROPOSED ECONOMIC DEVELOPMENT OFFICE

The Economic Development Office mentioned under IV (Program of Action) would be in operation by May 15, 1978. It would be located within the Plan area and housed in an existing municipal facility for the remainder of fiscal year 1978-79. By October 1, 1978, the office would be relocated to a prime focal point within Austin's Central Core.

The office would be staffed by an Assistant City Manager, one administrative assistant and a secretary. For a three-year period, no additional staff would be budgeted. However, some provisions would be needed for part time or temporary office assistance on a periodic basis. Funds for special studies, travel and other office expenses would be included in the budget.

The Economic Development Office will be responsible for:

1. Developing a citizen's consensus resulting in a plan for the future of the center-city;
2. Facilitating immediate public and private investment decisions during and after the development of the plan;
3. Identifying public and private funding sources for implementing the plan;
4. Initiating applications for grant funds;
5. Coordinating City Departments in addressing data; planning, marketing, labor, and physical improvement needs of the central-city area; and,
6. Interacting with local, state and federal officials and policy-makers to institute changes in legislation and regulations to insure coordination of these resources with the economic development plan.

Mr. Davidson pointed out that as a part of the following budget, he feels a substantial allocation would need to be provided by the City Council in the budget beginning October 1st to insure that there be adequate provisions for travel, communications, and additional studies that may be ordered by Council or recommended by, for example, the Planning Commission.

FISCAL NOTE FOR PROPOSED  
Economic Development Office

The initial budget for the period May 15, 1978, to September 30, 1978, is estimated to be \$43,708. The attached fiscal note estimates, over a five-year period, that the total expenses for the Economic Development Office would be \$833,067.

The budget estimates are as follows:

May 15 - September 30, 1978	\$ 43,708
1978-79 Fiscal Year	197,020
1979-80 Fiscal Year	184,061
1980-81 Fiscal Year	196,946
1981-82 Fiscal Year	<u>211,332</u>
<b>TOTAL</b>	<b>\$833,067</b>

These dollar figures do not include any added expenses which may be incurred by City Departments as part of their involvement in the program.

Mr. Davidson said, "I am talking about a full-time entire effort dedicated to the development of an adequate plan and to the implementation of that plan for the future of Austin. The rest of the current fiscal year is estimated to cost some \$43,000. That could be high because during the first couple of months I'll utilize existing staff." Mr. Davidson said he has not attempted to tabulate other expenses of other City departments that may be required in order to support the effort. He then referred to Exhibit A and Exhibit B (following pages.) He said he is submitting his approach for the Council's approval even though he is not asking for a decision today.

Councilmember Goodman said his initial reaction is that this is a solid approach with one of the key elements being how much support the City can elicit from the private sector. Councilmember Cooke said he feels the report is a very positive approach. In comparing this with other cities he has looked at which have had a similar program, he predicts success for our City. He believes it is crucial to look at turning the central city around. The Mayor commented that she too appreciates the work that has gone into the report and study which points out the significant and comprehensive approach which will be necessary from the City's standpoint of being the catalyst. She said she would like to see Council approve the concept. Councilmember Snell stated he wanted to postpone approving the concept until he's had further time to study the report.

#### Motion

Mayor Pro Tem Trevino moved that the Council put the report on Office of Economic Development back on the agenda for March 17, 1978. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,  
Mullen, Snell, Mayor Pro Tem Trevino  
Noes: None

(Exhibits follow)

FISCAL NOTE:

OFFICE OF ECONOMIC DEVELOPMENT

Source of Fund	General Fund expense in 1977-78; unappropriated ending balance				Five Year Total
	<u>1977-78</u>	<u>1978-79</u>	<u>1979-80</u>	<u>1980-81</u>	<u>1981-82</u>
Wage and salary	\$28,738	\$72,450	\$77,521	\$82,948	\$88,754
Operation and maintenance	12,570	124,570	106,540	113,998	121,978
Capital Outlay	2,400	-0-	-0-	-0-	600
	<u>\$43,708</u>	<u>\$197,020</u>	<u>\$184,061</u>	<u>\$196,946</u>	<u>\$211,332</u>
					<u>\$833,067</u>

Assumes 5% change in wages and salaries between 1977-78; thereafter 7% inflation rate used.

Wages and Salaries: One assistant city manager, one administrative assistant, and one senior secretary.

Operation and Maintenance: Beginning in 1978-79, \$100,000 included for special studies; reduced to \$75,000 per year thereafter. Includes \$12,000 annually for travel, except 1977-78.

Capital Outlay: Initial capital equipment purchases; some replacement in 1981-82.

EXHIBIT "A"

**PROPOSED TIME SCHEDULE FOR  
ECONOMIC DEVELOPMENT OFFICE**

for May to September, 1978

WORK-TASK	March*	April*	May	June	July	August	September
1. Recruit, assign, employ staff	_____						
2. Establish Economic Development Departmental team and develop working relationships	_____	_____	_____	_____	_____	_____	_____
3. Establish relationship with private enterprise for facilitating public-private investment decisions	_____	_____	_____	_____	_____	_____	_____
4. Coordinate development of central-city plan	_____	_____	_____	_____	_____	_____	_____
5. Identify special study needs, develop 1978-79 budget	_____	_____	_____	_____	_____	_____	_____
6. Develop priorities and strategy for implementing first full year program and submit to City Council for adoption	_____	_____	_____	_____	_____	_____	_____
City Manager and staff	_____	_____	_____	_____	_____	_____	_____

RECESS AND  
EXECUTIVE SESSION

Mayor McClellan recessed the meeting at 3:25 p.m. to convene with Council in a closed or executive session authorized by Section 2, Paragraphs (e), (f) and (g) of Article 6252-17, Texas Revised Civil Statutes Annotated; and after such closed or executive session any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary. The Council resumed its meeting at 3:45 p.m.

## COASTAL STATES-LOVACA SETTLEMENT

Mayor McClellan announced that Council had met in closed executive session to discuss the proposed Coastal-LoVaca Settlement. She asked Mr. Don Butler, legal consultant for the City on the Coastal-LoVaca issue, to make a statement on the proposed settlement.

MR. BUTLER made the following statement: "As the Council may recall, last June the settlement proposal in its then present form was approved subject to certain conditions. Those conditions have substantially been met. If you may remember, the two most important provisions were:

1. Austin, LCRA, Central Power and Light in San Antonio, share in the lignite, rather than having also Lone Star and UTCO share in the lignite. That has now been agreed to.

2. It was required by the Council's conditions that all benefits from the settlement be passed on to the ultimate rate payer. Insofar as Austin is concerned, that provision has been met. There may be some questions as far as other customers served by Lone Star and other LoVaca pipe lines might be concerned.

"I think at this time, if the Council desires to reaffirm its position to approve the agreement as it has been modified, that it will be in order to do so. I think that first of all authority should be given to execute the settlement agreement, and to also allow Southern Union to approve the agreement, because of certain franchise provisions, which they have which require Council action, provided that Southern Union agrees that it will pass on all benefits from the settlement to its rate payers.

"Of course, we still have certain details that need to be resolved prior to the time that it is executed, but these are generally minor in nature and I think they can be handled within the next few days, so, therefore, even though I am recommending at this time that this settlement agreement be approved, nonetheless, there are certain minor details which should be handled, which we have discussed, prior to the actual execution. I do not anticipate that there should be a necessity for any further Council action on this matter, because I do anticipate that these matters will be resolved satisfactorily, and at that time the City Attorney and I can get with the City Manager and the Electric Utility Director and make sure that those logistical matters are properly handled.

"As I have stated before, this is a difficult problem that has been with us for some time. There is no easy resolution. We are certainly not going to go back to the days of 20 cent gas, but this does serve to bring it to an end, or at least to the beginning of the end, so that there might be some stability and certainty of gas supply in the future. If there are any questions that any of you might have, I would be glad to try to answer them at this time."

Councilmember Goodman said, "Mayor, this Council has already unanimously expressed its approval of the settlement at a time when we were still negotiating some final points of those stipulations that we put in our resolution that we passed. I think what we face now is an improved situation."

#### Motion

Councilmember Goodman moved that the Council adopt a resolution of reaffirmation and approve the Coastal-LoVaca settlement as outlined by Mr. Don Butler, to be passed on an emergency basis. The motion was seconded by Councilmember Mullen.

Mayor McClellan asked Mr. Butler if this can be passed with the understanding that the City's conditions have been substantially met. Mr. Butler said they have been. The Mayor said, "But also with the understanding that there are certain details that remain to be resolved, and we will give the City Manager authority on behalf of the City of Austin to sign an agreement. I would like to say, too, you know, we have been at this for a long time, and a lot longer than this Council has been at it, but I think Mr. Butler, too, you have done a fine job for us, and I think it also really paid off for us to take the stand that we did on the settlement according to our terms because those terms (interference from radio or something) ...particularly as we go on to lignite, also of course out..the thing we felt like was also very important to our rate payers and that is that those benefits from the settlement passed through to our rate payers."

#### Roll Call on Motion

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Mayor Pro Tem Trevino, Mayor McClellan  
Noes: None

Councilmember Goodman asked Mr. Butler to give the City Clerk an outline of the points he had made which are included in the motion. Mr. Butler said he would do so.

Mr. Robert M. Laczko, District Manager, Southern Union Gas Company, was present in the Council Chamber during the Coastal-LoVaca Settlement discussion.

#### ADJOURNMENT

Council adjourned its meeting at 3:50p.m.



March 2, 1978

APPROVED

Carol Keeton  
Mayor

ATTEST:

Grace Monroe  
City Clerk